

**REMARKS**

At the outset, Applicant would like to make the Examiner aware that the present application is related to the Application Serial Nos. 09/577,224; 09/577,231; 09/577,332; and 09/578,156.

The courtesy of Examiner Nguyen in granting an after final interview is acknowledged with appreciation.

The forgoing amendments amends Claims 1, 10, 11, 13, 19, 21, and 23, cancels Claim 9, and adds new Claims 30-33. Claims 1-6, 10-13, 19, 21-27, and 30-33 are pending in the application, of which Claim 1 and 19 are independent. Support for the amendment and new Claims can be found in the Specification on page 20, lines 26-28; page 21, lines 9 and 10; page 23, lines 5-10; and through out the Specification. No new matter is raised by these amendments. The following comments address all stated grounds for rejection and place the presently pending claims, as identified above, in condition for allowance.

**Claim Amendments:**

The amendments to Claims 1, 19, 21, and 23 clarify the subject matter of Applicant's invention and are not directed to any art rejection. The amendments to Claims 10 and 11 address matters of formality introduced by the cancellation of Claim 9.

**Claim Rejections under 35 U.S.C. § 101**

Claims 1-6, 9-13, 19 and 21-27 stand rejected under 35 U.S.C. § 101 for reciting non-statutory subject matter. Applicant respectfully traverses this rejection on the basis of the above amendments and the following arguments and further contend that each pending claim recite statutory subject matter directed to new and useful processes for managing a network in accordance with 35 U.S.C. § 101. For the ease of the discussion below, each respective claim set is discussed separately.

**IA. Rejection of Claims 1-13 under 35 U.S.C. § 101:**

The Office Action rejects Claims 1-13 as being directed to non-statutory subject matter. Applicant's respectfully traverse this rejection on the basis of the above amendments and the following arguments, and further contend that these claims, as described below, are directed to statutory subject matter.

Claims 2-6 and 9-13 depend, directly or indirectly, on Claim 1, and thereby incorporate the patentable features of Claim 1.

Claim 9 is cancelled and therefore Applicant considers the rejection of Claim 9 moot.

Claim 1 has been amended to clarify the subject matter of the present invention, and thus Applicant's contribution to the art. The amendment is supported by the specification and no new matter has been added.

Claim 1 is now clearly delineated as a method of providing service level management for a business process of an entity associated with a network forming a portion of a service level management domain. As such the claimed method is a practical application in the technological arts that provides useful, tangible, and concrete results, and is not "merely an abstract idea." Applicant's invention assists in managing services provided by a network in support of a business process. Typically, the services are delineated in a service level agreement and have associated therewith acceptable and unacceptable service levels. Applicant's invention assists in managing those services by allowing a service provider, a business entity, or both to identify those services, identify selected parameters and selected component to parameter mappings of one or more of the services. Performance of Applicant's invention further allows for determination of a value of a variable indicating a service level of the selected service, monitoring of the value, and taking an action to determine the service level of the selected service from the value of the variable.

More specifically, Claim 1 is amended to include, amongst other features, a step of taking an action in an electronic device to determine a service level of at least one of a plurality of services from at least one value of a variable to provide service level management of a business process. A service level agreement defines an acceptable service level of the at least one service.

Should additional references describing the state of the art of network management and more specifically service level management, be of assistance. Applicant directs the Examiner's attention to [www.Aprisma.com](http://www.Aprisma.com) for a description and identification of goods having incorporated some or all of the features recited in Claim 1. Applicant further directs the Examiner's attention to the book entitled "Service Level Management for Enterprise Networks" authored by Applicant.

Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of amended Claims 1-6 and 10-13 under 35 U.S.C. § 101.

IB. Rejection of Claims 19-27 under 35 U.S.C. § 101:

The Office Action rejects Claims 19-27 under 35 U.S.C. § 101 as reciting an abstract idea that does not produce a useful, tangible, and concrete result. Applicant respectfully traverses this rejection on the basis of the above amendments and the following arguments, and further contends that the subject matter recited in these claims, as described below, recites a “useful” process that produces a tangible and concrete result.

Claims 21-27 depend, directly or indirectly upon amended Claim 19 and thereby incorporate the patentable features of amended Claim 19.

Claim 19 has been amended to clarify the subject matter of the present invention, and hence Applicant’s contribution to the art. The amendment is supported by the specification and no new matter has been added.

Amended Claim 19 clearly recites useful statutory subject directed to a method performed in a system associated with a network. Performance of the method in the system provides service level management. As such the claimed method is a practical application in the technological arts and is not “merely an abstract idea.”

More specifically, Claim 19 is amended to include, amongst other features, a step of receiving at an interface of the system input from a user identifying network related services required by a business process; the services being composed of a plurality of network components.

With this amendment Claim 19 is now clearly delineated as a method performed in a system associated with a network to provide service level management in the network. As such the claimed method is a practical application in the technological arts that provides useful, tangible, and concrete results, and is not “merely an abstract idea.” Applicant’s invention assists in managing services provided by a network in support of a business process. Typically, the services are delineated in a service level agreement and have associated therewith acceptable and unacceptable service levels. Applicant’s invention assists in managing those services by allowing a service provider, a business entity, or both to identify those services to a system, for example a network management system and have the system perform various function to manage a service level of a service in accordance with service level agreement.

Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 19-27 under 35 U.S.C. §101.

**Claim Rejections under 35 U.S.C. § 112**

Claim 1-6, 9-13, and 19-27 stand rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Applicant respectfully traverses each of these rejections on the basis of the following arguments and above amendments. For the ease of the discussion below, each respective claim set is discussed separately.

**IIA. Rejection of Claims 1-6 and 9-13 under 35 U.S.C. § 112, second paragraph:**

The Office Action rejects Claims 1-6 and 9-13 as being indefinite. In particular, the Examiner was unclear of relationship of the service level management domain in the preamble with the rest of the claim. The Applicant respectfully traverses this rejection on the basis of the above amendments and the following arguments.

Claims 2-6 and 10-13 depend, directly or indirectly on amended Claim 1, and thereby incorporate the patentable features of amended Claim 1.

Claim 10 is cancelled by the above amendment and therefore Applicant considers the rejection of Claim 10 moot.

Amended Claim 1 clarifies the subject matter of the present invention. More specifically, Claim 1 is amended to remove reference to a service level domain. The amendment is supported by the specification and no new matter has been added.

Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 1-6 and 10-13 under 35 U.S.C. § 112

**IIB. Rejection of Claims 19 and 21-27 under 35 U.S.C. § 112, second paragraph:**

The Office Action rejects Claims 19 and 21-27 as being indefinite. In particular, the Examiner was unclear of relationship of the feature providing service level management recited in the preamble with the steps recited in the body of the claim. The Applicant respectfully traverses this rejection on the basis of the above amendments and the following arguments.

Claims 21-27 depend, directly or indirectly on amended Claim 19, and thereby incorporate the patentable features of amended Claim 19.

Amended Claim 19 clarifies the relationship of the subject matter recited in the preamble the subject matter recited in the body of the claim. The amendment is supported by the specification and no new matter has been added.

Claim 19 was amended to remove confusing language regarding the business process and services. Amended Claim 19 now also includes a step of receiving at the interface of the system a request from the user to evaluate the service parameters to monitor the service levels of each service to provide service level management. As such, Applicant believes there should be no more confusion as to what is being claimed in amended Claim 19. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 19 and 21-27 under 35 U.S.C. § 112.

#### **NEW CLAIMS**


New Claims 30-33 depend on amended independent Claim 1, and therefore incorporate the patentable features of independent Claim 1. Therefore Claims 30-33 are patentable for at least the reasons set forth above regarding amended independent Claim 1.

#### **CONCLUSION**

In view of the remarks set forth above, Applicants contend that Claims 1-6, 9-13, 19, and 21-27 presently pending in this application, are patentable, and in condition for allowance. If the Examiner deems there are any remaining issues, we invite the Examiner to call the undersigned at (617) 227-7400.

Respectfully submitted,

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